

EXHIBIT F

1 UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4

5 ROBERT G. WINGO,)
6 Plaintiff,)
7 vs.) No. 08 C 368
8 THYSSENKRUPP MATERIALS NA,)
9 INC., d/b/a COPPER AND BRASS,)
10 Defendant.)

11

12 Deposition of PETE LAROCO, called
13 for examination, taken pursuant to notice,
14 agreement and by the provisions of the Rules of
15 Civil Procedure for the United States District
16 Courts pertaining to the taking of depositions,
17 taken before PATRICIA A. ARMSTRONG, a Notary
18 Public within and for the County of DuPage, State
19 of Illinois, and a Certified Shorthand Reporter,
20 No. 084-1766, of said state, taken at 29 South
21 LaSalle Street, Chicago, Illinois, on the 29th day
22 of May, 2008 at 2:00 p.m.

23

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COPY

DEPOSITION OF PETE LAROCCO - 5/29/08

1 PRESENT:	2	1 (WHEREUPON, the witness was 2 duly sworn.) 3 PETE LAROCCO, 4 called as a witness herein, having been first 5 duly sworn, was examined and testified as 6 follows: 7 EXAMINATION 8 BY MS. WEGNER: 9 Q. Sir, would you please state your 10 complete name for the record and spell your last 11 name. 12 A. Pete LaRocco, L-a capital R-o-c-c-o. 13 MS. WEGNER: Let the record reflect that 14 this is the deposition of Pete LaRocco, witness 15 for the Defendant in the case entitled Robert 16 Wingo versus Thyssenkrupp Materials NA, Inc., 17 doing business as Copper and Brass Sales, Case 18 No. 08 C 368, pending in the United States 19 District Court for the Northern District of 20 Illinois Eastern Division. 21 This deposition is being taken 22 pursuant to notice and in accordance with the 23 Federal Rules of Civil Procedure and applicable 24 local rules.	4
1 INDEX 2 WITNESS EXAMINATION 3 PETE LAROCCO, 4 By Ms. Wegner 5 - 72 5 80 - 85 6 By Mr. Disbrow 72 - 80 7 8 EXHIBITS 9 NUMBER PAGE REFERENCE 10 No. 2 15 11 No. 3 15 12 No. 4 12 13 No. 5 15, 41 14 No. 7 45 15 No. 11 59 16 No. 14 61 17 No. 16 67 18 No. 17 16 19 No. 18 46 20 No. 21 57 21 No. 22 76 22 No. 30 32 23 (Exhibit No. 30 retained by counsel.) 24 ---	3	1 MR. DISBROW: Let me just state for the 2 record that I don't know if it's accurate to 3 reflect that he is a witness for the Defendant. 4 Mr. LaRocco is an hourly employee. 5 THE WITNESS: Right. 6 MR. DISBROW: And a Union representative. 7 THE WITNESS: Union steward. 8 MR. DISBROW: We did not have the ability 9 to produce Mr. LaRocco. He was subpoenaed. 10 BY MS. WEGNER: 11 Q. Mr. LaRocco, my name is Jan Wegner. 12 I am one of the attorneys representing Robert 13 Wingo in a lawsuit he has filed against Copper and 14 Brass Sales. 15 I am going to be asking you questions 16 today regarding Mr. Wingo's employment with Copper 17 and Brass Sales, your employment with Copper and 18 Brass Sales and questions about the business of 19 your employer, Copper and Brass Sales, and 20 allegations made by Mr. Wingo in his lawsuit. 21 Have you ever given a deposition 22 before? 23 A. Yes, I have. 24 Q. Prior to today, how many occasions	5

2 (Pages 2 to 5)

<p>1 have you given a deposition? 2 A. One. 3 Q. And in what type of matter did you 4 give deposition testimony before today? 5 A. With our Labor 714 Teamsters. 6 Q. Other than the prior deposition 7 testimony that you provided, have you provided any 8 other sworn testimony at a trial or other type of 9 hearing? 10 A. No. 11 Q. And have you ever been a party to a 12 litigation, Plaintiff or Defendant? 13 A. No. 14 Q. It's important that you remember to 15 respond verbally to all the questions that are 16 asked of you so the court reporter can make an 17 accurate record because her machines don't accept 18 a nonverbal response. All right? 19 A. Okay. 20 Q. It's also very helpful for her if we 21 both don't try and speak at the same time because 22 she can't record more than one person speaking at 23 the same time. So please try and wait for me to 24 complete a question and I will try and wait for</p>	<p>6</p> <p>1 Q. So your deposition today is pursuant 2 to subpoena; correct? 3 A. Right. 4 Q. What is your current home address? 5 A. 218 Wakefield Lane, Schaumburg, 6 Illinois. 60193 is the Zip Code. 7 Q. And how long have you lived on 8 Wakefield Lane in Schaumburg? 9 A. About 15 years now. 10 Q. Is your current residence on 11 Wakefield Lane a home? 12 A. Yes. 13 Q. Do you have any present intention of 14 relocating? 15 A. No. 16 Q. What is your date of birth? 17 A. 9/11/59. 18 Q. What is your current age? 19 A. I am going to be 49. 20 Q. You will be 49 in? 21 A. Right, September. 22 Q. So currently you are 48? 23 A. Yeah, 48. I'm sorry. 24 Q. What is the highest level of</p>
<p>7</p> <p>1 your complete response, and we will make her job 2 easier. Okay? 3 Will you let me know if I ask a 4 question that you feel you don't understand? 5 A. Yes. 6 Q. If you tell me you don't understand a 7 question, I will rephrase it to make it perfectly 8 clear for your response. All right? 9 A. Yes. 10 Q. If do you answer a question, it will 11 be assumed that you understood that question. 12 Do you agree that's fair? 13 A. Yes. 14 Q. Should you need a break, please let 15 us know; and as long as you answer any question 16 that has been asked first, we will be happy to 17 take a break. Okay? 18 A. Okay. 19 Q. Do you have any questions about this 20 process? 21 A. No, I don't. 22 Q. Did you receive a subpoena and a 23 witness fee check to appear here? 24 A. Yes, I did.</p>	<p>9</p> <p>1 education you have achieved? 2 A. High school. 3 Q. Where did you attend high school? 4 A. Proviso East. 5 Q. Did you graduate from Proviso East? 6 A. No, I had my GED there. 7 Q. When did you receive your GED? 8 A. A while back, I don't know the exact 9 year. 10 Q. Do you hold any professional licenses 11 or certifications? 12 A. No. 13 Q. Do you have any trade or specialty 14 professional training? 15 A. From work, yes. 16 Q. And from which employer do you have 17 trade training? 18 A. Thyssenkrupp Copper and Brass Sales. 19 On machinery, if that's what I understand the 20 question to be. 21 Q. Have you ever been convicted of a 22 felony? 23 A. No. 24 Q. Have you ever been convicted of a</p>

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<p>1 crime involving dishonesty?</p> <p>2 A. No.</p> <p>3 Q. Are you currently employed with</p> <p>4 Copper and Brass Sales?</p> <p>5 A. Yes, I am.</p> <p>6 Q. When did you begin your employment</p> <p>7 with --</p> <p>8 A. Twenty-nine years ago, 4/24/79, I</p> <p>9 think it was.</p> <p>10 Q. And what is your position with Copper</p> <p>11 and Brass Sales?</p> <p>12 A. I am a machine operator lead man and</p> <p>13 the steward for our Local.</p> <p>14 Q. You are a machine operator?</p> <p>15 A. Yes.</p> <p>16 Q. And you are a lead man for what?</p> <p>17 A. For the bay, for the machine bay.</p> <p>18 And I am the steward for the members.</p> <p>19 Q. Your position as a steward in</p> <p>20 connection with your membership in Teamsters Local</p> <p>21 714; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. How long have you been a member of</p> <p>24 Teamsters?</p>	<p>10</p> <p>1 mainly cut stainless steel.</p> <p>2 Q. And what are your duties as Union</p> <p>3 steward?</p> <p>4 A. I try to represent the members.</p> <p>5 If they have a grievance, I give them</p> <p>6 a grievance form and let them fill it out and we</p> <p>7 go through the process of the grievance work.</p> <p>8 I have negotiated contracts, too,</p> <p>9 there, six of them, six three-year contracts.</p> <p>10 Q. Did you participate in negotiating</p> <p>11 the most recent Union contract?</p> <p>12 A. Yes, I have. My signature should be</p> <p>13 in the back.</p> <p>14 Q. Mr. LaRocco, I am going to show you a</p> <p>15 document that we have previously marked as Exhibit</p> <p>16 No. 4 in an earlier deposition.</p> <p>17 Do you recognize that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. And what is Exhibit No. 4?</p> <p>20 A. It's our previous contract.</p> <p>21 Q. Previous to when?</p> <p>22 A. Three-year contract. It's going to</p> <p>23 be ending soon.</p> <p>24 Q. Is this Exhibit No. 4 the Union</p>
<p>1 A. About 21 years now.</p> <p>2 Q. Mr. LaRocco, could you please try and</p> <p>3 let me wait to complete my question?</p> <p>4 A. Yes, I will.</p> <p>5 Q. Thank you.</p> <p>6 I'm sorry, you have been a member of</p> <p>7 Teamsters Local 714 for about 21 years?</p> <p>8 A. No, 29 years.</p> <p>9 Q. And how long have you been a Union</p> <p>10 steward?</p> <p>11 A. Twenty-one years.</p> <p>12 Q. How long have you been a machine</p> <p>13 operator at Copper and Brass Sales?</p> <p>14 A. I would say about 21 years.</p> <p>15 Q. What are the machines that you</p> <p>16 operate at Copper and Brass Sales?</p> <p>17 A. I operated shears, I have operated</p> <p>18 cutting machines, steel cutting machines,</p> <p>19 slitters.</p> <p>20 Q. What are your duties as a machine</p> <p>21 operator with Copper and Brass Sales?</p> <p>22 A. As a lead man, I hand out the work to</p> <p>23 my fellow operators in the bay. And I cut</p> <p>24 according to the order, what it calls for. We</p>	<p>11</p> <p>1 Collective Bargaining Agreement that was in effect</p> <p>2 from April 16, 2006 through April 15, 2009 at the</p> <p>3 Copper and Brass Sales location in Schaumburg?</p> <p>4 A. Yes.</p> <p>5 Q. And did you sign a number of the</p> <p>6 pages of the --</p> <p>7 A. Yes, on Page 23.</p> <p>8 Q. And you also signed Page 24, 25 --</p> <p>9 A. Right.</p> <p>10 Q. (Continuing.) -- 26, 27 and 28 of the</p> <p>11 agreement?</p> <p>12 A. Yes.</p> <p>13 Q. If you look at the page of the</p> <p>14 Collective Bargaining Agreement, it has a little</p> <p>15 number in the bottom right-hand corner, 00771,</p> <p>16 it's the next to the last page, I believe.</p> <p>17 On Page 00771 of the Collective</p> <p>18 Bargaining Agreement there is a letter of</p> <p>19 understanding regarding the attendance policy?</p> <p>20 A. Yes.</p> <p>21 Q. Were there any changes that were made</p> <p>22 to the attendance policy after this letter of</p> <p>23 understanding?</p> <p>24 A. Yes. I think there were a few of</p>

<p>1 them we changed -- a few things that were changed.</p> <p>2 Q. Now, when did those changes take 3 place?</p> <p>4 A. I don't know the exact dates. But we 5 were able to do that if we have a meeting with the 6 company and my business agent and Gino and I.</p> <p>7 Q. Can you tell me what the current 8 attendance policy is?</p> <p>9 A. I am not sure exactly. This happened 10 a while back. I couldn't tell you off the top of 11 my head right now.</p> <p>12 Q. Are you aware of any document in 13 existence that would articulate the attendance 14 policy at the Schaumburg location of Copper and 15 Brass Sales that was reached and that became 16 effective after the latest contract?</p> <p>17 A. Excuse me, I don't understand what 18 you said. I missed that.</p> <p>19 Q. Is there a document that you are 20 aware of that's in existence that would set forth 21 the attendance policy?</p> <p>22 A. Those are work rules, they are not a 23 part of the contract. Those are the Company's 24 work rules.</p>	<p>14</p> <p>1 that document before?</p> <p>2 A. No, I haven't.</p> <p>3 Q. Do you recognize names on Exhibits 2 4 and 3 as names of employees of Copper and Brass 5 Sales?</p> <p>6 A. Yes.</p> <p>7 Q. I am going to --</p> <p>8 A. Excuse me, other than I am not -- am 9 I in here. No, I am not in here.</p> <p>10 Q. You are not in there?</p> <p>11 A. Yeah, why is that?</p> <p>12 Q. Beats me, I don't know.</p> <p>13 A. I have never seen these.</p> <p>14 Q. I have not yet been able to determine 15 who prepared that or when they were prepared. So 16 you are not on here.</p> <p>17 Let me show you Exhibit No. 17, the 18 document is entitled "Employee Handbook."</p> <p>19 Have you ever seen that before?</p> <p>20 A. No. I think this is for management.</p> <p>21 Q. Okay.</p> <p>22 A. No, I have never seen this.</p> <p>23 Q. Is there a seniority list for the 24 employees who are members of the Union local 714</p>
<p>15</p> <p>1 They have full discretion. We can 2 talk about it, but they decide if they want to 3 change things.</p> <p>4 Q. Right. But you said there was a 5 change in the attendance policy?</p> <p>6 A. Yes, that was, I would say, maybe a 7 year back.</p> <p>8 Q. I am going to show you what was 9 marked at another deposition in this matter as 10 Exhibit No. 5.</p> <p>11 Do you recognize Exhibit No. 5?</p> <p>12 A. Yes. These are part of the work 13 rules.</p> <p>14 Q. And do you know where in these work 15 rules the attendance policy is set forth?</p> <p>16 A. I don't see them in here. No, I 17 don't see them in here.</p> <p>18 Q. I am going to show you a document 19 marked at an earlier deposition as Exhibit No. 2.</p> <p>20 Have you ever seen that document 21 before?</p> <p>22 A. No, I haven't.</p> <p>23 Q. I am going to show you a document 24 previously marked as Exhibit No. 3. Have you seen</p>	<p>15</p> <p>1 at Copper and Brass?</p> <p>2 A. Yes, there is.</p> <p>3 Q. Who is No. 1 on the seniority list?</p> <p>4 A. I am.</p> <p>5 Q. I thought so.</p> <p>6 A. In fact, they call me Grandpa there.</p> <p>7 Q. Who is No. 2 on the seniority list 8 presently?</p> <p>9 A. At this time, I think it's Benny 10 Crosser. Kurt Sorenson retired. We have had a 11 couple individuals that retired who were older 12 than -- they were like 58 or 59, right around 13 that. We have had a couple retirements. 14 Just recently, Danny White and Kurt 15 Sorenson were the last two employees that retired.</p> <p>16 Q. Are you familiar with Mr. Wingo?</p> <p>17 A. Yes, I am.</p> <p>18 Q. When Mr. Wingo was employed at Copper 19 and Brass Sales last, was he next on the seniority 20 list below you?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know how long Mr. Wingo was 23 employed by Copper and Brass Sales?</p> <p>24 A. He was there 29 -- Bob, maybe 21</p>

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<p>1 or -- 18 or 21, around there, I think it is.</p> <p>2 Q. Did Mr. Wingo ever complain to you 3 about harassment that he received from supervisors 4 or managers at Copper and Brass Sales?</p> <p>5 MR. DISBROW: I just want to object to the 6 form of the question, it's vague and ambiguous in 7 its current form.</p> <p>8 And I guess I should explain to you, 9 Mr. LaRocco, lawyers are going to make objections 10 during depositions.</p> <p>11 That doesn't affect your ability to 12 answer the question.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Yes. As I stated, though, there is a 15 grievance form that if they thought there was a 16 problem, that I never deny anybody a grievance 17 form.</p> <p>18 And if I did, he could call the Union 19 Hall and they would issue a grievance form for him 20 to fill out and state his piece.</p> <p>21 BY MS. WEGNER:</p> <p>22 Q. When did Mr. Wingo tell you that he 23 felt he was being harassed by the supervisors or 24 managers at Copper and Brass Sales?</p>	<p>18</p> <p>1 need to properly fill out correctly. And Bob kept 2 making the same mistake, and he felt he was being 3 harassed by the foreman.</p> <p>4 Q. What, if anything, did you do --</p> <p>5 A. I had suggested to Bob if he felt 6 that he was being harassed, to fill out a 7 grievance form. And I don't think he ever did.</p> <p>8 Q. Did Mr. Wingo ever indicate to you 9 that he had concern about filing a grievance 10 because it could affect his ability to receive 11 overtime?</p> <p>12 A. I don't remember that.</p> <p>13 Q. Did Mr. Wingo ever tell you that he 14 was concerned about filing any grievance because 15 he feared retaliation?</p> <p>16 A. I don't remember that.</p> <p>17 Q. Do you have personal knowledge that 18 Mr. Wingo kept making the same mistake on the --</p> <p>19 A. I was shown copies, I was shown 20 copies of the work orders that the same mistakes 21 were being made on.</p> <p>22 Q. Who showed you the copies of the work 23 orders?</p> <p>24 A. The supervisor.</p>
<p>19</p> <p>1 MR. DISBROW: Same objections.</p> <p>2 MS. WEGNER: You can answer.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know the exact date.</p> <p>5 BY MS. WEGNER:</p> <p>6 Q. Do you recall the month or year that 7 he complained to you? —</p> <p>8 A. I would say probably maybe four or 9 five months ago. I don't know the exact date, but 10 I do know that he has stated that, yes.</p> <p>11 Q. Did Mr. Wingo complain to you that he 12 believed he was being harassed by any supervisor 13 or manager prior to his termination?</p> <p>14 A. For not doing his work, yes.</p> <p>15 Q. Who did Mr. Wingo complain he 16 believed was harassing him when he complained to 17 you?</p> <p>18 A. I believe it was Mark DeMien.</p> <p>19 Q. Did Mr. Wingo describe to you the 20 harassment he believed he was receiving from 21 Mr. DeMien when he complained to you?</p> <p>22 A. That he was doing too much in the one 23 area that he was in the back, he wasn't doing the 24 proper work order. We have work orders that you</p>	<p>21</p> <p>1 Q. You are referring to --</p> <p>2 A. Randy Lunt.</p> <p>3 Q. When did Mr. Lunt show you these 4 copies of work orders with the same mistakes by 5 Mr. Wingo?</p> <p>6 A. Bob was brought into the office 7 numerous times to explain that he was making these 8 mistakes, and I would go in there with him as a -- 9 you know, representing him, and Mr. Lunt would 10 show us and try to tell Bob that I needed to fill 11 out the orders correctly and quit making the 12 errors that he was making.</p> <p>13 Q. Did you participate in meetings of 14 any other employees and management regarding 15 errors on work orders?</p> <p>16 A. Yes.</p> <p>17 Q. In your experience at Copper and 18 Brass Sales, were work order errors pretty common?</p> <p>19 A. Yes. We went through a few changes 20 on work orders, and we had numerous of meetings. 21 And we were trained on certain work orders, how to 22 fill them out and what they expected of us 23 according to what bay you are in, how to fill 24 these orders out.</p>

<p>1 They have had numerous training 2 sessions with us; and if you needed more sessions, 3 you could request to be retrained on that -- on 4 whatever mistakes you were making, you could be 5 retrained on.</p> <p>6 Q. When was the last time you were made 7 aware of any work order errors that were made by 8 employees at the Schaumburg location of Copper and 9 Brass Sales?</p> <p>10 A. I would say maybe about three weeks 11 ago myself. I was brought in, told that I was 12 making a mistake on the order.</p> <p>13 And I was counseled and then 14 retrained on what I was doing, because we are 15 switching over to a new system.</p> <p>16 Q. What is the new system?</p> <p>17 A. We are supposed to be getting a new 18 computer system, where you enter SL10 tags that 19 need to be made after you cut the order.</p> <p>20 You need to make sure that you put 21 the right information in the computer in order to 22 fill out the tag that has to be retagged to the 23 metal that is going back into the stock.</p> <p>24 Q. In the work that you have performed</p>	<p>22</p> <p>1 A. It went all the way through the 2 process to the customer, yes.</p> <p>3 Q. The instance where you made the 4 mistake cutting the wrong alloy about three months 5 ago, did anyone else involved with processing that 6 order at Copper and Brass Sales receive any 7 discipline?</p> <p>8 A. The material goes to me first. I am 9 the one that cuts the material first.</p> <p>10 The next stage, it would go to the packer. 11 And I think the packer was warned 12 about letting the process go through to that 13 point. And his name was Lance. And he was just 14 warned.</p> <p>15 I am the one that I took the written 16 because it should have gone through me first.</p> <p>17 Q. Were you the person that actually 18 pulled the material to cut it?</p> <p>19 A. Yes, I did. See, we random' racks. 20 This material that I was cutting didn't need to be 21 pulled from the regular racks because they were 22 little pieces that we retagged. And I just 23 mistakenly missed the alloy on it.</p> <p>24 Q. In other instances --</p>
<p>1 for Copper and Brass Sales as a machine operator 2 with shearing, cutting or slitting material, have 3 you ever made mistakes on the cuts that you have 4 made?</p> <p>5 A. Yes, I have.</p> <p>6 Q. When is the last time that you made a 7 mistake in cutting material at <u>Copper and Brass</u> 8 Sales?</p> <p>9 A. Maybe about three months ago.</p> <p>10 Q. What is the mistake that you made 11 about three months ago in cutting material?</p> <p>12 A. I had cut the wrong alloy. I 13 mistaked the -- alloys are marked with -- we have 14 identification numbers on the alloys. And I am 15 not -- I am going blind here, so I missed what 16 alloy it was, and I wrote down the wrong alloy.</p> <p>17 And the customer got the wrong alloy.</p> <p>18 Q. So on this occasion about three 19 months ago when you cut the wrong alloy --</p> <p>20 A. I was issued a written warning.</p> <p>21 Q. But in that instance where you cut 22 the wrong alloy about three months ago, went all 23 the way through the filling, packaging and 24 shipping process to the customer?</p>	<p>23</p> <p>1 A. Somebody else would bring the 2 material to the table.</p> <p>3 Q. On other types of orders where the 4 material is kept elsewhere, there are people who 5 bring that material to you?</p> <p>6 A. Right. But the main person that is 7 responsible is the person that is cutting the 8 material and releasing that material to be packed.</p> <p>9 And I took responsibility for that 10 because it was my mistake.</p> <p>11 Q. How is it that you state that the 12 main person that's responsible is the person who 13 cuts and releases the material to be packed?</p> <p>14 A. Say that again, I'm sorry.</p> <p>15 MS. WEGNER: Can you read my question back, 16 Pat, and we will see if it makes sense.</p> <p>17 (WHEREUPON, the record was 18 read by the reporter.)</p> <p>19 BY THE WITNESS:</p> <p>20 A. Because I am the one that's pulling 21 the material. I am the one that's cutting the 22 material.</p> <p>23 And I am the one that's writing the 24 information on the order.</p>

<p>1 BY MS. WEGNER:</p> <p>2 Q. And in your position at Copper and 3 Brass Sales as a machine operator, what is the 4 information that you write on the order?</p> <p>5 A. The size that I am cutting, the 6 tolerance that I am cutting, the weight of the 7 order, the weight of the material, and my initials 8 are done that I filled that order, and that they 9 are getting the correct material.</p> <p>10 Q. Is there a progressive discipline 11 policy at Copper and Brass Sales for the Union 12 employees?</p> <p>13 A. Yes, there is. And I think it is 14 very lenient. I mean, you really have to make the 15 same mistakes over and over. Unless, you know, 16 like a one-month span, if you make six mistakes, 17 you are going to get disciplined.</p> <p>18 And, as I said, then, if you don't 19 understand what you are doing, you could always 20 ask for training.</p> <p>21 And I must say that Copper and Brass 22 Sales is very good on retraining you. If you need 23 any retraining, they will take the time to give 24 you retraining during your working hours.</p>	<p>26</p> <p>1 Q. Are you referring to Isidro Garcia? 2 A. Yes, Isidro Garcia, and there has 3 been a few others. 4 Q. In your work with Copper and Brass 5 Sales as a machine operator, do you fill out daily 6 production logs? 7 A. Yes. 8 Q. And what is the information that you 9 are required to complete on the daily production 10 logs? 11 A. Your work order that you are filling, 12 how many pieces that you have filled, the weight, 13 your time start and your time finish. 14 Q. Have you ever been informed of the 15 expectation of Copper and Brass Sales as to the 16 number of work orders you would be expected on 17 average to complete for the day? 18 A. Yes. 19 Q. What is the number of work orders you 20 are typically expected to complete for the day? 21 A. Well, in the machine operator -- as a 22 machine operator in our bay, probably about 10 to 23 15 according to how much weight you are cutting 24 and how many pieces.</p>
<p>27</p> <p>1 Q. What is the basis for your statement 2 that if someone makes six mistakes, they will get 3 disciplines?</p> <p>4 A. Well, I am saying they are -- I mean, 5 you need to really make a lot of mistakes in one 6 month's span. I threw a figure out there, I'm 7 sorry if that -- I am just saying that you really 8 need to make that same mistake over.</p> <p>9 Q. Is repetitive work order mistakes 10 something for which Mr. Wingo received discipline, 11 to your knowledge?</p> <p>12 A. Yes.</p> <p>13 Q. Who else at Copper and Brass Sales 14 have received discipline --</p> <p>15 A. Numerous people.</p> <p>16 Q. (Continuing.) -- discipline for 17 repetitive work order mistakes?</p> <p>18 A. Numerous people.</p> <p>19 Q. Who?</p> <p>20 A. Mario Alvarez, Bob Wingo. Their 21 names are on the second shift, there are Isidro, I 22 can't pronounce his last name. There has been a 23 few of them. A lot of them are mostly new men, 24 too.</p>	<p>29</p> <p>1 There could be an order that you are 2 5,000 pieces that could take all day. And there 3 is orders that is one piece, two pieces that you 4 should be able to do a few of those. 5 It depends on -- in our area, the 6 piece count is more what is going to take the 7 longest time. 8 In RBW, which is just there is no 9 cutting involved, they are usually recommended 15 10 to 20 orders a day, because they are just taking 11 the full metal, no processing. 12 Q. And how have you been made aware that 13 in RBW -- which stands for rod, bar and wire? 14 A. Right. 15 Q. Nonprocessed material? 16 A. Right. 17 Q. Warehouse employees are expected 18 typically to handle 15 to 20 work orders per day? 19 A. Right. 20 Q. Now, how have you been made aware of 21 that? 22 A. By Mr. Lunt. They have done a time 23 study. 24 Q. When is the last time Mr. Lunt</p>

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1 articulated that in rod, bar and wire nonprocessed
 2 areas, employees would be typically expected to
 3 handle 15 to 20 work orders per day?

4 MR. DISBROW: I am just going to object to
 5 the form of the question.

6 Do you mean when is the last time he
 7 articulated that specifically to Mr. LaRocco?

8 MS. WEGNER: Yes.

9 THE WITNESS: To me?

10 MS. WEGNER: Yes.

11 BY THE WITNESS:

12 A. In our area, as I say, I really don't
 13 remember that he had recently said anything to me
 14 about it, because most of my guys are senior guys
 15 in that bay anyway, that we get the work out.

16 BY MS. WEGNER:

17 Q. Well, but you represent all of the
 18 employees who are Union members?

19 A. Then I must be misunderstanding what
 20 you are saying.

21 Are you saying in my bay?

22 Q. No.

23 A. Okay. Please explain to me.

24 Q. You said Mr. Lunt had indicated that

30

1 A. Yes, it's in my Union bag. Key
 2 puncher, yes, I remember. Yes.

3 Q. Did you participate in any meeting
 4 where there was a discussion regarding items
 5 listed in this document?

6 A. I was brought back -- yes. I was
 7 brought back to the RBW. And I'd just like to say
 8 that when I was brought back there, Bob did not
 9 like what he was hearing and he asked me to leave.
 10 And I did so, into the back of the warehouse.

11 And then he was brought into the
 12 office as he was getting this, and stated to him
 13 that he did not need to sign this if he didn't
 14 feel that he thought it was just and that he could
 15 file a grievance.

16 Q. If you look at the last paragraph of
 17 the document that you have in front of you that
 18 was marked at Mr. Wingo's deposition as Exhibit
 19 No. 30, Mr. Lunt is indicating that Mr. Wingo
 20 consistently filling 15 to 20 RBW MP orders in an
 21 eight-hour day is less than other employees
 22 working at the same work station by a considerable
 23 amount, and that Mr. Wingo's production has fallen
 24 to approximately 50 percent of the other workers.

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1 people who handle the nonprocessed rod, bar and
 2 wire work orders would typically be expected to
 3 handle 15 to 20 work orders per day?

4 A. Okay.

5 Q. And my question is: When is the last
 6 time you heard him articulate that?

7 A. During Bob Wingo's time.

8 Q. Any particular point of Mr. Wingo's
 9 20 something years that you are indicating
 10 Mr. Lunt may have made the comment?

11 A. Well, the last time I heard Mr. Lunt
 12 say those statements was during Bob's session when
 13 he was working the RBW.

14 Q. When is it that you last recall
 15 Mr. Wingo working the RBW?

16 A. Just before he was terminated, right
 17 around that area?

18 Q. I am going to show you a document
 19 that was actually marked at Mr. Wingo's deposition
 20 as Exhibit No. 30, and ask you to take a look at
 21 that and see if you recall this?

22 A. Yes.

23 Q. Did you receive a copy of this, as
 24 indicated on the top?

31

1 A. I have seen other work order
 2 production sheets, and some of the senior men,
 3 they get 20 to 30 orders. And that's what I think
 4 he is going on.

5 But from what I have been told, 15 to
 6 20 orders is decent. But that's not what he was
 7 written up here for.

8 Q. I understand that.

9 But the statement that Mr. Lunt is
 10 making in this document we have marked as Exhibit
 11 No. 30 is inconsistent with the information he
 12 provided to you, that 15 to 20 work orders per day
 13 would be what would be typically expected?

14 A. Well, he is going according to what
 15 other individuals back there are doing, and they
 16 are doing 20 to 30 orders a day.

17 MR. DISBROW: And I am just going to object
 18 because I think that mischaracterizes
 19 Mr. LaRocco's earlier testimony.

20 BY THE WITNESS:

21 A. Yes. That's what I think he is going
 22 on is according to what the other employees back
 23 there are doing. They are doing 20 to 30 orders.
 24 In my mind they work.

33

<p style="text-align: right;">34</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. But that wasn't my question to you.</p> <p>3 A. Okay.</p> <p>4 Q. You told me that Mr. Lunt indicated</p> <p>5 that handling rod, bar and wire nonprocessed work</p> <p>6 orders, an employee would be expected on average</p> <p>7 to be able to complete 15 to 20 work orders per</p> <p>8 day; that's what you told me; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so when Mr. Lunt in Wingo</p> <p>11 Deposition Exhibit 30, the document you have in</p> <p>12 front of you, this memo regarding repetitive</p> <p>13 warehouse errors, dated 11/19/2007, when Mr. Lunt</p> <p>14 states that Mr. Wingo was consistently filling 15</p> <p>15 to 20 RBW MP orders in an eight-hour day, that is</p> <p>16 consistent with what <u>you</u> had been told what is the</p> <p>17 normal expectation; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Now, in looking at this memo of</p> <p>20 November 19, 2007, previously marked at</p> <p>21 Mr. Wingo's deposition as Exhibit 30, you said you</p> <p>22 were in a meeting when this document was given to</p> <p>23 Mr. Wingo?</p> <p>24 A. Right.</p>	<p style="text-align: right;">36</p> <p>1 giving the customer what they are asking and the</p> <p>2 sizes are right and that the pieces -- and the</p> <p>3 piece count is correct.</p> <p>4 Q. On work orders, correct me if I am</p> <p>5 wrong, there are three boxes to be completed, one</p> <p>6 marked filled by, one marked --</p> <p>7 A. Filled by, packed by and audit. The</p> <p>8 audit is the person that is filling the order, he</p> <p>9 is the auditor.</p> <p>10 Q. Now, what, to your knowledge,</p> <p>11 constitutes filling an order at Copper and Brass</p> <p>12 Sales?</p> <p>13 A. Can you state that again? I don't</p> <p>14 understand what you are saying again.</p> <p>15 Q. What is or what are the determining</p> <p>16 factors as to who was considered to have filled an</p> <p>17 order at Copper and Brass Sales?</p> <p>18 A. The person that is in RBW, the side</p> <p>19 loader driver delivers the material. The filler,</p> <p>20 who fills the order and packs it, is the auditor,</p> <p>21 he makes the determining factor.</p> <p>22 I hope I answered that correctly to</p> <p>23 you. And weighs, he weighs, fills and gives the</p> <p>24 correct piece count. So he is filler and the</p>
<p style="text-align: right;">35</p> <p>1 Q. If you look at the second paragraph</p> <p>2 of Wingo Deposition Exhibit 30 near the bottom of</p> <p>3 that paragraph, it indicates that Mr. Wingo had</p> <p>4 disagreed about placing initials in required</p> <p>5 boxes, saying it wasn't done that way in the past.</p> <p>6 Do you have any information on what</p> <p>7 that refers to?</p> <p>8 A. We were told that because of the new</p> <p>9 way that orders were going to come out in the new</p> <p>10 system, that you must mark your initials that you</p> <p>11 have filled that order.</p> <p>12 And Bob was told a few times that he</p> <p>13 had not been putting his initials there, and I</p> <p>14 felt that that's not the way we used to do it.</p> <p>15 But it was being changed that we had to do it,</p> <p>16 with the audit, there was an audit box, that you</p> <p>17 are auditing that that order is correct.</p> <p>18 Q. When did this process change about</p> <p>19 putting initials in there?</p> <p>20 A. Maybe about, I would say about a</p> <p>21 month or two before he was written up for this.</p> <p>22 We were brought into the office and</p> <p>23 we were retrained on from now on, you must initial</p> <p>24 and audit your orders to make sure that you are</p>	<p style="text-align: right;">37</p> <p>1 auditor and the packer all in one.</p> <p>2 Q. Are you aware of any instances where</p> <p>3 in RBW the same person does not fill, weigh, pack</p> <p>4 and audit an individual work order?</p> <p>5 A. I am not aware of it.</p> <p>6 Q. Now, did Ms. Wingo ever complain to</p> <p>7 you that Mr. DeMien had harassed him and sworn at</p> <p>8 him?</p> <p>9 A. I don't recall that.</p> <p>10 Q. Did you ever participate in any</p> <p>11 meeting between Mr. Wingo and Mr. Lunt where</p> <p>12 Mr. Wingo complained about Mark DeMien harassing</p> <p>13 and swearing at him?</p> <p>14 A. Yes, I have.</p> <p>15 Q. When was the meeting where Mr. Wingo</p> <p>16 complained to Mr. Lunt about Mark DeMien swearing</p> <p>17 at him?</p> <p>18 A. Where?</p> <p>19 Q. When?</p> <p>20 A. I don't know the exact date or exact</p> <p>21 time, but it was just before -- I would say about</p> <p>22 two, three months before Bob was terminated?</p> <p>23 Q. What did Mr. Lunt say when the</p> <p>24 complaint was brought to him regarding?</p>

<p>38</p> <p>1 A. That Bob felt that he was being 2 harassed to file a grievance form or fill out any 3 kind of forms that he wanted to take action. I 4 suggested to Bob that if he felt that he was being 5 harassed, to fill out forms and they would 6 investigate.</p> <p>7 Q. Who would investigate if forms were 8 filled out?</p> <p>9 A. First he would fill out a grievance 10 form, and then our business agent would come in, 11 and Randy Lunt and our business agent would 12 investigate the allegations. And then it would go 13 to corporate and go to human resource.</p> <p>14 Q. Did you ever learn that there was 15 anyone who had witnessed Mark DeMien swearing at 16 Mr. Wingo?</p> <p>17 A. I don't recall that.</p> <p>18 Q. On the occasion that Mr. Wingo 19 complained that Mark DeMien had sworn at him, do 20 you recall Pat Bishop being involved in anything 21 related to that incident?</p> <p>22 A. I need to tell you, a lot of times 23 that there were meetings, I don't know what it 24 was, Bob felt that he did not want me in those</p>	<p>40</p> <p>1 A. Mark DeMien is my foreman. I do not 2 go out with Mark DeMien, I don't associate with 3 Mark DeMien out of work. He is my foreman.</p> <p>4 Q. Do you associate or socialize with 5 any managers or supervisors from Copper and Brass 6 Sales out of work?</p> <p>7 A. No, I don't, not really, no, other 8 than if they have a barbecue or something like 9 that, you know, for our quarterly meetings or 10 whatever, they have a barbecue or something like 11 the, Christmas, you know, Thanksgiving, where they 12 have a thing out -- a barbecue out in the pit, out 13 in our document area, that's about it.</p> <p>14 Q. Are you familiar with Tyler DeMien?</p> <p>15 A. Tyler DeMien is Mark DeMien's son.</p> <p>16 MS. WEGNER: Why don't we take a couple 17 minutes here.</p> <p>18 (WHEREUPON, a recess was had.)</p> <p>19 MS. WEGNER: Back on the record.</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. Is it a violation of any Copper and 22 Brass Sales policy, to your knowledge, for 23 supervisory or managerial employees to swear at 24 subordinate employees?</p>
<p>39</p> <p>1 meetings, and I was taken out of the meeting at 2 his request.</p> <p>3 So I don't recall a lot that was said 4 over who was involved in the Mark DeMien issue.</p> <p>5 Q. Did Mr. Wingo ever tell you why he 6 had you taken out of meetings?</p> <p>7 A. He felt that I was sleeping with the 8 enemy.</p> <p>9 Q. Mr. Wingo actually told you he felt 10 you were sleeping --</p> <p>11 A. Well, he felt that I was with the 12 company. I wasn't representing him right.</p> <p>13 And I told him that if he felt that, 14 then he could always request to have me taken out 15 and have a senior person brought in. And I think 16 that he did a couple of times have somebody else 17 brought in.</p> <p>18 Q. Did Mr. Wingo express to you why he 19 felt you were sleeping with the enemy?</p> <p>20 A. No, he didn't. I just did what he 21 asked me to do. He has always been able to write 22 grievances.</p> <p>23 Q. Are you, in fact, friendly with Mark 24 DeMien?</p>	<p>41</p> <p>1 A. I think there are work rules on that.</p> <p>2 Q. Work rules, are you referring to one 3 of the exhibits that we placed in front of you 4 that, I believe, govern managerial --</p> <p>5 A. I believe there is something in here.</p> <p>6 Q. Okay.</p> <p>7 A. Insubordination or language, action 8 direction from management that is abusive in 9 nature, Category C.</p> <p>10 Q. I'm sorry, what document are you 11 looking at?</p> <p>12 A. The work rules.</p> <p>13 Q. What exhibit number is that, the 14 sticker on the front?</p> <p>15 A. Exhibit 5.</p> <p>16 Q. To your knowledge, do the work rules 17 in Exhibit No. 5 apply to supervisors and managers 18 at Copper and Brass Sales?</p> <p>19 A. I don't see that. It applies to us.</p> <p>20 Q. When you say it applies to us, are 21 you --</p> <p>22 A. Our Union members.</p> <p>23 Q. Have you been made aware of any 24 repetitive work order errors, where the filled by,</p>

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1 packed by and QA boxes have not been completed by
 2 the same -- initiated by the same person in the
 3 last several months?

4 **A. Other people, yes. If you are saying
 5 there were other people involved that had -- yes.**

6 Q. Because you told me that the policy
 7 was -- the system was changing?

8 **A. Right.**

9 Q. So in the last several months, have
 10 you still come upon instances where people have
 11 not put their initials in all of the required
 12 boxes on the work order?

13 **A. Yes, there was one -- probably about
 14 two months ago, Lance, Lance Amack, he was
 15 verbally warned about it the first time that he
 16 did it.**

17 Q. To your knowledge, it's the first
 18 time that Lance had made that work order mistake
 19 of not initially all three boxes?

20 **A. Right, to my knowledge. Most of the
 21 time that when they are verbally warned, they come
 22 and get me to make sure that you are being warned
 23 verbally in front of the steward and management.**

24 Q. Have you ever been made aware of

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1 Q. Do you know what hours Tyler DeMien
 2 works on his third shift?

3 **A. I think it's 6:00 to 2:30, 2:30 to
 4 11:00, 11:00 to 7:00. 11:00 to 7:00. Three
 5 shifts.**

6 Q. Okay. And on your shift, you are
 7 allowed to stop five minutes early for washing up?

8 **A. We are allowed to stop for five
 9 minutes, yes, before wash-up. The bell goes off,
 10 but you still have to remain in the building and
 11 you do have to wait those five minutes to leave,
 12 that's it.**

13 Q. Is there a policy or procedure that
 14 you follow when working on work orders that you
 15 can't complete before the bell goes off and your
 16 workday stops?

17 **A. You are supposed to communicate with
 18 the next shift on -- that you are not able to
 19 complete the order so that he is able to complete
 20 the order.**

21 Q. And how do you communicate where you
 22 left off on an order?

23 **A. You either write notes or you stay
 24 and you tell the next shift.**

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1 complaints or concerns by other Union employees
 2 that Tyler DeMien is receiving preferential
 3 treatment?

4 **A. I have not been made aware of that.**

5 Q. Have you ever been made aware of
 6 instances where Tyler DeMien has been allowed to
 7 talk on his cell phone during work hours?

8 MR. DISBROW: Objection; assumes facts not
 9 in evidence.

10 BY THE WITNESS:

11 **A. I am not aware of that.**

12 BY MS. WEGNER:

13 Q. Now, is talking on a cell phone
 14 during work hours on the floor a violation of work
 15 rules?

16 **A. We are not allowed to talk on the
 17 floor, unless you go to the foreman and it's an
 18 emergency, and you notify the foreman that, hey,
 19 look it, I need to talk to this person, it's about
 20 somebody in the hospital or something like that,
 21 then they will let you do it.**

22 Just so you know, Tyler DeMien is not
 23 on my shift, so I barely even see him. He is on a
 24 late shift, the third shift.

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1 Q. And what procedure is typically used
 2 to write the notes for the next shift to let them
 3 know where you leave off on a work order?

4 **A. There is not really a procedure, it's
 5 just you either write, you know, that, here, you
 6 need to do this or that, or give it to the foreman
 7 and let the foreman tell the individual.**

8 Q. I am going to show you a document we
 9 have marked at an earlier deposition as Exhibit
 10 No. 7.

11 Have you ever seen Exhibit 7 before?

12 **A. Yes.**

13 Q. Can you identify Exhibit No. 7?

14 **A. Yes.**

15 Q. What is Exhibit No. 7?

16 **A. About daily production log.**

17 Q. What is your understanding of the
 18 instruction in the daily production log relating
 19 to the completion of the daily production log, if
 20 any, at or near the end of your workday?

21 MR. DISBROW: I am just going to put an
 22 objection on the record to the degree the document
 23 speaks for itself.

24 You can answer.

1 BY THE WITNESS:
 2 **A. If you do not finish the order, you**
 3 **are to state that you did not finish the order,**
 4 **and according to start and finish time. So, if**
 5 **you don't finish, you are supposed to write in**
 6 **comments that you did not complete the order.**
 7 BY MS. WEGNER:
 8 Q. I am going to show you what was
 9 marked as Exhibit No. 18 at an earlier deposition,
 10 which is a two-page document regarding discipline
 11 for Tyler DeMien.
 12 Do you recognize this document?
 13 **A. Yes.**
 14 MR. DISBROW: I am just going to state for
 15 the record, as indicated in an earlier deposition,
 16 this is actually two separate documents about two
 17 separate incidents.
 18 BY MS. WEGNER:
 19 Q. Did you participate in any Union
 20 proceedings regarding the suspension that Tyler
 21 DeMien received on May 10, 2005 for leaving work
 22 without permission, punching out without notifying
 23 his supervisor?
 24 **A. You know, I don't --**

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1 MR. DISBROW: You know what, you are
 2 looking at the wrong page. You want to go to the
 3 next page.
 4 BY THE WITNESS:
 5 **A. No, I wasn't involved in this. This**
 6 **is the second shift steward.**
 7 BY MS. WEGNER: ---
 8 Q. Okay. Whose signature do you
 9 recognize as the second shift steward?
 10 **A. Marcos Berena -- not Berena -- his**
 11 **last name, I can't pronounce, it's with a B,**
 12 **Marcos Bahama -- here, it should be on this one**
 13 **here. I'm sorry, I am bad on names.**
 14 Q. You are indicating that the name of
 15 the second shift steward would be on either
 16 Exhibit 2 or 3?
 17 You are certainly welcome to look at
 18 those again and see if you can identify that name.
 19 MR. DISBROW: Remembering, Pete, that your
 20 name is not on the list either.
 21 BY THE WITNESS:
 22 **A. No, I don't see his name here.**
 23 BY MS. WEGNER:
 24 Q. To your knowledge, what work rules

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1 did Mr. DeMien violate when he left work without
 2 permission?
 3 **A. I am not familiar with this.**
 4 Q. Well, you are familiar with the work
 5 rules, aren't you?
 6 **A. Yeah, I am, but I am not familiar**
 7 **with this issue here. I wasn't involved in this.**
 8 Q. Okay. Fair enough.
 9 If Mr. DeMien left work without
 10 permission and punched out without notifying his
 11 supervisor, what work rules would he have
 12 violated?
 13 You have those work rules in front of
 14 you, don't you?
 15 MR. DISBROW: Object to the form; calls for
 16 speculation.
 17 He has already testified he doesn't
 18 know anything about this particular document.
 19 With regard to references to the work
 20 rules, those documents speak for themselves.
 21 MS. WEGNER: You can answer.
 22 BY THE WITNESS:
 23 **A. I am not familiar with it. It's in**
 24 **the work rules, I know that. Do I need to look**

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1 **this up?**
 2 BY MS. WEGNER:
 3 Q. That's my question to you, can you
 4 tell me what work rules Tyler DeMien violated
 5 leaving work without permission and punching out
 6 without notifying his supervisor as this employee
 7 report form that is part of Exhibit 18 states?
 8 MR. DISBROW: Same objection.
 9 He doesn't have any personal
 10 knowledge -- he has already told you he doesn't
 11 have any personal knowledge about this employee
 12 report form.
 13 Counsel is just well-suited to
 14 reviewing the work rules and finding the verbiage
 15 in the work rules.
 16 I don't know where we are trying to
 17 go with requiring Mr. LaRocco to spend the time to
 18 read through the multiple pages of work rules to
 19 find that particular language.
 20 MS. WEGNER: Well, it is my deposition;
 21 correct?
 22 MR. DISBROW: I mean, like I said, I am
 23 here all day.
 24 If you want to ask him to do that,

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<p>1 it's your deposition. I am just stating an 2 objection for the record. 3 BY MS. WEGNER: 4 Q. Is it a violation of the Copper and 5 Brass Sales work rules to leave company property 6 without management's permission? 7 A. I am sure. 8 Q. And is it a company work rule that 9 employees must punch in and out? 10 A. Yes. 11 Q. Is it a Copper and Brass Sales 12 company rule that employees are not allowed to 13 leave their work stations before break or wash-up 14 time? 15 A. I think so, yes. 16 Q. And is it a violation of the Copper 17 and Brass Sales work rules to fail to return to a 18 work station from lunch or break promptly? 19 A. I think so. 20 Q. So on Exhibit No. 18 on the first 21 page, did you have any involvement in the 22 suspension/ probation issue to Tyler DeMien on -- 23 A. Yes. 24 Q. (Continuing.) -- December 21st,</p>	<p>50</p> <p>1 the attendance policy with the last Union contract 2 after there was a letter of understanding? 3 A. Right. 4 Q. And so I am wondering whether or not 5 the aspect of the attendance policy governing 6 tardiness was changed with the letter agreement 7 that became affixed to the April 2006 or April of 8 2009 agreement? 9 A. I am not sure. 10 MR. DISBROW: I am just going to object to 11 form and foundation. 12 I don't believe Mr. LaRocco prepared 13 the first page of Exhibit No. 18, so he is not the 14 individual indicating which attendance policy was 15 in effect at the time that was written. 16 BY MS. WEGNER: 17 Q. You represented Tyler at this 18 suspension/probation hearing outlined in Exhibit 19 No. 18; right? 20 A. Yes. 21 Q. Did you ever question anybody as to 22 the plant attendance policy that was being 23 referenced by Mr. Lunt for January of 1996? 24 A. My job is to try to get the</p>
<p>1 2006? 2 A. Yes, I was involved. 3 Q. And did you get a copy of this memo, 4 the first page of 18? 5 A. Yes. 6 Q. The second sentence in Exhibit No. 18 7 indicates that in accordance to the plant 8 attendance policy put into effect in January of 9 1996, Mr. DeMien's tardiness reaching six points 10 was grounds for termination; correct? 11 MR. DISBROW: I am just going to object to 12 the form of the question. There is a number of 13 different sentences. You indicated that it was 14 the second sentence. 15 MS. WEGNER: Okay. Fair enough. 16 MR. DISBROW: And if you want to read it 17 verbatim, you certainly can, but that wasn't 18 exactly what was stated. 19 BY MS. WEGNER: 20 Q. Well, my question actually is, if you 21 know why the second sentence of the first page of 22 Exhibit 18 talks about the attendance policy that 23 was put into effect in January of 1996, because we 24 earlier talked about there having been changes to</p>	<p>51</p> <p>1 individual -- you know, try to get him back to 2 work. And this is what we came up with. 3 And this is what we have come up with 4 other individuals, too. So, I am not familiar 5 with these other questions you are asking me. 6 All I know is that when I am in there 7 and an individual is going to be terminated, that 8 this is what Randy Lunt agreed to. 9 Q. Well, did you have any question that 10 Mr. Lunt's memo of 12/21/2006 was correct when it 11 states that there were numerous verbal and written 12 warnings? 13 A. I don't remember and I don't know -- 14 I don't understand what you are asking me, other 15 than the individual was put on probation and he 16 served probation for -- you know, he's got a 17 six-month probation that he had. And that was my 18 job is to try to get him back, I am a steward. 19 Q. And did you question whether or not 20 Mr. Lunt's statement in this memo of 12/21/2006 21 was accurate in stating that Tyler DeMien had 22 received a minimum of four final warnings since 23 August of 2005? 24 A. I didn't question it, no.</p>

1 Q. What was it that you did to plead for
2 leniency for Tyler DeMien?
3 A. In the past, when you did reach six
4 points, they would put you under a probation --
5 the same as what he got here, you would get this
6 last ditch chance here.
7 He would serve a three-day unpaid
8 suspension, brought back on a six month's
9 probation with only one point.
10 There has been other -- we have come
11 up with that with other individuals if it hits six
12 points.
13 Q. I am going to show you --
14 THE WITNESS: Can I ask a question?
15 MR. DISBROW: Well, it's her deposition.
16 THE WITNESS: I don't understand what that
17 has to do with his age discrimination that they
18 are saying.
19 I don't understand, what does this
20 have to do with that?
21 BY MS. WEGNER:
22 Q. What is Tyler DeMien's approximate
23 age, to your knowledge?
24 A. He is a young man, I know that, yeah.

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1 the office because he didn't -- I don't
2 understand, you know, that was another part I
3 never understood.
4 Q. Well, let me ask you this: At the
5 time that the company made the decision to
6 terminate Mr. Wingo, did you represent him?
7 A. I called the business agent and let
8 him be aware of what was going on, and our
9 business agent was really his representative at
10 that time, Gino Rodriguez.
11 Q. So you didn't participate in --
12 A. All I do is -- at that time they were
13 going to do it, I said, "Bob, you don't have to
14 agree on this, you don't have to sign it. If you
15 file a grievance, I will call Gino Rodriguez and
16 he will represent you on this."
17 Q. Well, were you present at the meeting
18 where Mr. --
19 A. They did bring me in to tell me that
20 he was being terminated.
21 And I told Bob, "Bob, you have the
22 right to file a grievance and you have a right to
23 disagree with this, you do not have to sign this,
24 and I will contact Gino Rodriguez, and I did.

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1 But what --
2 MR. DISBROW: I mean, I don't represent
3 you, Pete, but what we are here to do is Jan is
4 going to ask you questions and you are supposed to
5 answer.
6 THE WITNESS: Okay. I'm sorry. I am just
7 trying to be --
8 MR. DISBROW: You'll get out of here
9 quicker if you just answer her question.
10 THE WITNESS: Okay. I'm sorry. I
11 apologize. I don't understand. Forget about it.
12 I apologize. Go ahead.
13 BY MS. WEGNER:
14 Q. Are you familiar with production logs
15 that were completed by Mr. Wingo in the latter
16 part of 2007 during his employment?
17 MR. DISBROW: Objection; vague and
18 ambiguous.
19 BY THE WITNESS:
20 A. I really don't deal with his bay that
21 much, he is in another bay than --
22 BY MS. WEGNER:
23 Q. Well, you represented Mr. --
24 A. At times. He would throw me out of

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1 Q. Is that the extent of your
2 participation in the meeting where Mr. Wingo was
3 being told he was terminated?
4 A. Yes. And that point, then Gino took
5 over because this individual was being terminated.
6 Q. Okay.
7 A. I tried up to a point to defend him,
8 but the company is going to do it, then I feel
9 that it is best to have the business agent come in
10 at that point to try to do his best to help that
11 individual.
12 Q. I am going to show you what was
13 marked as Exhibit 21 at an earlier deposition.
14 Have you seen that before?
15 A. Yes.
16 Q. Did you sign that Exhibit 21?
17 A. Yes, I did. I signed that Bob
18 refused to sign it because he felt that it was not
19 right. And at that point, I contacted Gino, and
20 Bob had a right to go to the second step of this
21 grievance.
22 Q. Do you have any knowledge as to the
23 reason Mr. Wingo was allegedly terminated?
24 A. Yes, I do.

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<p>1 Q. What is your knowledge as to the 2 reason Mr. Wingo was terminated? 3 A. He had put down that he had completed 4 orders that he did not complete. And it was 5 written on his production sheet that he had 6 completed the orders, when it's the second shift 7 individual that works in the same area had 8 completed the orders, and he falsified an order 9 that was on there that was already completed. 10 Q. Well, who falsified an order that was 11 on there that was already completed? 12 A. He wrote down on his work sheet that 13 he had completed and started an order when he 14 never did, that the other second shift member had 15 done the order. 16 Q. Did you see the documentation? 17 A. Yes, I did. 18 Q. Regarding this alleged falsification? 19 A. Yes, I did. 20 Q. And what was the documentation that 21 you were shown? 22 A. I was shown Bob's sheet, that the 23 orders that he had written down, and that he had 24 finished. And I was shown the sheet from the</p>	<p>58</p> <p>1 But I remember that when I was in the 2 meeting, that I was shown that he had finished 3 these orders, and I was shown that the other 4 individual had finished the orders. 5 And then when questioned, Bob said, 6 well, that maybe I just started it and this 7 individual had finished and completed the orders. 8 I am not going to sit here and try to 9 pinpoint what I don't remember now. I don't 10 remember which orders they were. 11 BY MS. WEGNER: 12 Q. Did Mr. Wingo indicate to you that he 13 had noted information on the exhibit you have in 14 front of you, Exhibit No. 11, any differently than 15 he had on any other occasion? 16 A. I don't recall that. Honestly, I do 17 not recall that. 18 Q. And on Exhibit No. 11, do you know 19 whether or not the times that are noted in the 20 right-hand column are the start times or the stop 21 times? 22 MR. DISBROW: Objection to the degree the 23 document speaks for itself. 24 You can answer.</p>
<p>59</p> <p>1 second shift warehouseman that had filled the 2 order, and that he started and finished the order. 3 And Bob was questioned, and he said 4 that he started the order or something like that. 5 Q. I am going to show you what we marked 6 as Exhibit No. 11 in an earlier deposition. 7 Can you tell me if you recognize 8 that? 9 A. Yes, I do. 10 Q. What is Exhibit No. 11? 11 A. This is the worksheet that he had 12 falsified. 13 Q. And what is it that is contended 14 Mr. Wingo falsified on Exhibit No. 11? 15 A. I think it was the last two items. I 16 am not sure, but I think it was. At that time, I 17 was told that. 18 MS. WEGNER: Do you want to go back -- I 19 don't know if he has finished, so again, will you 20 reread the question. 21 BY THE WITNESS: 22 A. You know what, honestly, I vaguely 23 remember what work -- I mean, what work orders 24 were in question.</p>	<p>61</p> <p>1 BY THE WITNESS: 2 A. The way I see it is 12:55, the next 3 order was completed at 1:22, the next order was 4 completed at 2:00, the next order was completed at 5 2:20. That's how he did his start times, start 6 and finish times. That's what I am looking at. 7 BY MS. WEGNER: 8 Q. Are you certain that that's how 9 Mr. Wingo -- 10 A. I am not certain, but that's the way 11 that I see that he is writing it down as. 12 See, my sheets are different, my 13 sheets are finish and start, finish and start. 14 His sheets are just his stop times here. 15 You know, he started an order at 16 6:45, the next one was done at 7:15. That's the 17 way I am looking at this. 18 Q. I am going to show you an Exhibit 19 No. 14 from a previous deposition. 20 Do you recognize that? 21 A. Yes, I do. 22 Q. What is Exhibit No. 14? 23 A. It's a production sheet. 24 Q. Is Exhibit No. 14 one of the</p>

<p>1 production sheets that was alleged that 2 Mr. Wingo falsified? 3 A. You know, I can't recall. 4 Q. Do you know what training Mr. Wingo 5 had received regarding the completion of the 6 production sheets? 7 A. Bob received the same amount of 8 training as I have, because he has been there just 9 almost as long as I have. 10 Q. Well, you received the same training 11 as him but different production sheets? 12 A. On production sheets, we are trained 13 as to what to do on the production sheets. 14 Q. Were you personally present when 15 Mr. Wingo was trained on how to complete 16 production sheets? 17 A. His area was brought in different 18 than my area, yes. 19 Q. Did you act as Union representative 20 for Mario Alvarez? 21 A. Yes, I did. 22 Q. You work first shift; correct? 23 A. Yes. Mario has been to three 24 different shifts. He just recently -- right, his</p>	<p>62</p> <p>1 Mr. Alvarez terminated? 2 A. I don't know the exact date. 3 Q. Do you recall the month or year? 4 A. It was probably maybe three, four 5 months ago maybe. 6 Q. So you believe Mr. Alvarez was 7 terminated in early 2007 -- I'm sorry, 2008, this 8 year? 9 A. Yeah, I think so. 10 Q. Who replaced Mr. Wingo when he was 11 terminated? 12 A. I don't think they have replaced 13 anybody because we have slowed down. I think they 14 hired a helper. 15 But as a warehouse, see, we have 16 positions of warehouseman, machine operator and 17 dock workers. And they are able to hire a certain 18 amount of helpers that come in -- that they are 19 really not part of us, that they are able to just 20 like sweep and, you know, they are in a 21 different -- they do not really have a seniority, 22 they don't have seniority until they are able to 23 bid on a job as a warehouseman or a machine 24 operator.</p>
<p>63</p> <p>1 shift -- he didn't want the second shift steward. 2 I had a couple points. Again, you 3 don't have to have us in there. You can ask for a 4 senior man or whatever, yes. 5 You are not recommended to have -- I 6 mean, if they don't want the steward in there, 7 they can request a senior man on that shift. 8 Q. Are you aware of Mr. Alvarez being 9 terminated? 10 A. Yes. 11 Q. Did you represent Mr. Alvarez in 12 connection with his termination? 13 A. Gino Ridriguez represented Mario in 14 being terminated. He was at his final -- he took 15 over from when we couldn't come for an agreement 16 with Randy, I needed to get Gino involved in it 17 and Gino took place -- took the rest of it. 18 Q. So do you know the reason that 19 Mr. Alvarez was terminated? 20 A. For something to do with cell phones. 21 I think it had to do with an argument with the 22 foreman and the cell phone and something like 23 that. 24 Q. When, to your knowledge, was</p>	<p>65</p> <p>1 Q. Well, Mr. Wingo was terminated, 2 according to these documents, in early December 3 2003. 4 Who started performing the RBW 5 nonprocessing work upon Mr. Wingo's termination? 6 A. There has been a few people back 7 there. 8 Can I look at this here to get the 9 names? 10 Q. If it's at all helpful since we have 11 already determined some things are -- 12 A. Well, I am just saying that you are 13 asking me who replaced him? 14 MR. DISBROW: I am just going to object to 15 the form of the question. 16 BY THE WITNESS: 17 A. Warehouseman are a pool of people. 18 You know what I am saying? There has probably 19 been three or four different people back there, 20 and I don't really pay attention to who is back 21 there, I am in my bay. 22 BY MS. WEGNER: 23 Q. So you don't know who took over 24 handling RBW nonprocessing following Mr. Wingo's</p>

<p>66 1 termination? 2 MR. DISBROW: I'm sorry, is your question 3 does he know who took over? 4 BY THE WITNESS: 5 A. You know what, honestly, I don't. 6 BY MS. WEGNER: 7 Q. But you said you knew there were 8 several people back there. 9 A. Well, yeah, there is people that go 10 back there as the foreman appoints you back there 11 because you are a warehouseman. 12 You are supposed to be able to do 13 RBW, you are supposed to be able to do UPS, you 14 are supposed to be able to do packing, you are 15 supposed to be able to -- there are like a pool of 16 guys in there, you are not assigned. You know 17 what I mean? 18 Q. Well, based on your knowledge of the 19 work at Copper and Brass Sales and the work that's 20 necessary to be performed by someone handling the 21 RBW nonprocessed job function, isn't there some 22 training necessary? 23 A. Yes. 24 MR. DISBROW: Wait. You can answer, but I</p>	<p>68 1 and I suggested to Bob that he should go to the 2 second step, which would bring in Gino Rodriguez. 3 And I don't think he did at this point. 4 You know, you are able to put your 5 comments down. And then if you still disagree, 6 you are able to go to the next step, which would 7 be to bring in our business agent. And I am 8 assuming that he did not do this. 9 Q. Are you aware of who Mr. Wingo is 10 referring to as the side loader operator who 11 pulled the wrong mill material in the response on 12 Exhibit 16? 13 A. I am not sure, but I am going to 14 assume that it is Lazardo. Lazardo, I think his 15 name is because I am still -- like I tell you, and 16 I am not that familiar with that area. 17 Q. Do you know whether or not the side 18 loader operator who pulled the wrong mill material 19 received any discipline as a result of this work 20 order error? 21 A. I don't recall. I don't recall. 22 Q. Is there a rule at Copper and Brass 23 Sales that a supervisor should not -- or an 24 employee should not supervise another employee</p>
<p>67 1 am just going to object to the foundation, because 2 I think he has indicated that he doesn't spend 3 much time in the area, so I don't know what his 4 foundation would be. 5 You can answer the question. 6 BY THE WITNESS: 7 A. I am sure they are trained. We go 8 through some good training there. 9 When you are hired there, they have a 10 list of training videos, training processes that 11 you have to go through in order to do your work. 12 And they keep track of whose got the 13 training in what areas. 14 BY MS. WEGNER: 15 Q. I am going to show you what we have 16 marked at an earlier deposition as Exhibit 16. 17 Do you recognize Exhibit 16? 18 A. I think so, yes. 19 Q. Did you sign Exhibit 16? 20 A. Yes. 21 Q. Did you represent Mr. Wingo at any 22 hearing for the suspension he received? 23 A. This is one of them that I had made 24 him fill out a grievance form. They answered it,</p>	<p>69 1 that he or she is related to? 2 A. I am not aware of that. I mean, 3 there has been people that have been hired in the 4 office that are related, too. And I have never 5 been aware of that you are not supposed to -- we 6 got two guys there now that are working there. 7 What does that have to do with Bob's 8 age? 9 Q. Are you referring to Mark and Tyler? 10 A. No, the Prossers, Denny Prosser, and 11 there is other individuals there that are working 12 that -- I am not aware of that you are not be able 13 to hire -- is there a rule there that -- 14 Q. All right. Listen, Mr. LaRocco, my 15 question to you was whether there was a rule that 16 employees should not supervise another employee -- 17 A. I thought you were telling me that. 18 Q. (Continuing.) -- who that person is 19 related to? 20 A. Okay. I am not aware of that. I'm 21 sorry. 22 Q. Thank you. That's fine. 23 Are you aware of Mark DeMien 24 supervising Tyler DeMien?</p>

1 **A. One point, Tyler DeMien was on his
2 shift, and he is no longer on his shift. He has
3 been to -- he has put bids in for other shifts.
4 He has put bids in to go to the third shift.**

5 Q. Now, if Tyler works overtime, would
6 Mark DeMien, to your knowledge, be his supervisor?
7 MR. DISBROW: Objection; calls for
8 speculation.

9 BY THE WITNESS:

10 **A. Yes.**

11 **BY MS. WEGNER:**

12 Q. So after Mr. Wingo was told he was
13 being terminated, you no longer had any
14 involvement and I should talk to Mr. Rodriguez?

15 **A. Right. Mr. Rodriguez had handled the
16 rest of that. That's how the procedure goes. I
17 am only up to a point.**

18 **At that time, I would say, "Okay,
19 Bob, listen, you don't have to agree on this, you
20 don't have to sign anything, any documents, and
21 that I will call Gino and get Gino involved in
22 this now," because Gino is our final --**

23 Q. Do you believe that Mr. Wingo was
24 treated fairly in his termination?

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72 you made the mistake cutting the wrong alloy, had
2 you made that mistake before?

3 MR. DISBROW: I am just going to object as
4 to relevance.

5 BY THE WITNESS:

6 **A. No, I don't think I have.**

7 **BY MS. WEGNER:**

8 Q. Never in 29 years?

9 **A. I don't remember it.**

10 MR. DISBROW: I am just going to object
11 because I think it's getting argumentative at this
12 point. He did answer the question.

13 MS. WEGNER: I am not arguing at all with
14 this gentleman, and I take offense at you
15 suggesting that I am.

16 All right. Mr. LaRocco, I don't have
17 any other questions for you.

18 I am not sure whether or not
19 Mr. Disbrow, the attorney for Copper and Brass
20 Sales, may have some.

21 MR. DISBROW: I just have a few.

22 EXAMINATION

23 BY MR. DISBROW:

24 Q. The first one that I want you to take

71 **A. I believe that Bob Wingo had made
2 numerous mistakes that he was told over and over
3 and over and over again, that it just kept
4 happening, that yes, I think he was treated fairly
5 for a senior person.**

6 Q. Well, you have made mistakes, haven't
7 you?

8 **A. Yes, but I corrected my mistakes.**

9 Q. And have you been told to receive
10 trainings about those mistakes?

11 **A. I have corrected my mistakes.**

12 **And can I add one other thing?**

13 Q. How did you correct your mistakes?

14 **A. By not doing them. After being told
15 what I was doing wrong, I corrected it.**

16 Q. Well, you recently made a mistake in
17 cutting material because you pulled the wrong
18 alloy; correct?

19 **A. Right. And I have not made that
20 mistake, it hasn't happened anymore since then.**

21 Q. Okay.

22 **A. I don't understand why -- no, I won't
23 do that.**

24 Q. Prior to this most recent time when

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73 a look again, Mr. LaRocco, is what was previously
2 shown to you as -- and I have to find it myself --
3 Deposition Exhibit 30 to the Wingo deposition.

4 Can we put our hands on that?

5 You are looking at it now, I can just
6 look over your shoulder.

7 And the question I have is, to your
8 knowledge, did Mr. Wingo ever file a grievance
9 with regard to that particular issue?

10 **A. No, he did not.**

11 Q. Could he have?

12 **A. Yes, he could have.**

13 Q. And there has been some questions
14 that you were asked about alleged harassment,
15 quote/unquote, and it had to do with some
16 purported allegations that Mr. Wingo made about
17 supposed harassment directed at him from Mark
18 DeMien.

19 To your knowledge, did Mr. Wingo use
20 the word "harassment"?

21 **A. You know what, honestly, I don't
22 recall.**

23 Q. Was the issue, and I believe it was
24 sometime in late August 2007, more than he felt

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<p>1 that his discipline -- he didn't agree with his 2 discipline?</p> <p>3 MS. WEGNER: I will object; calls for 4 speculation, assumes facts not in evidence, 5 mischaracterizes the witness' prior testimony, 6 calls for speculation, form and foundation.</p> <p>7 MR. DISBROW: You can answer the question. 8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 BY MR. DISBROW:</p> <p>11 Q. To your knowledge, did Mr. Wingo ever 12 allege that Mr. DeMien or anyone else was 13 harassing him because of his age?</p> <p>14 A. Never.</p> <p>15 Q. Would you agree with me that there is 16 a fair amount of shop talk that goes on?</p> <p>17 A. Yes.</p> <p>18 Q. It's not uncommon for people to use 19 colorful language in the shop; is that fair --</p> <p>20 A. Yes --</p> <p>21 Q. Let me finish the question. 22 Is that a fair statement?</p> <p>23 A. Yes.</p> <p>24 Q. I want you to go ahead and take a</p>	<p>74</p> <p>1 Q. I thought that's what you were trying 2 to say.</p> <p>3 A. Yes.</p> <p>4 Q. I want you to take a look at a 5 document that was previously marked as Exhibit 22 6 in the Lunt deposition.</p> <p>7 I don't know that you were shown that 8 exhibit earlier, Exhibit 22.</p> <p>9 Can you look at that document for me?</p> <p>10 A. Okay.</p> <p>11 Q. Let me know when you are ready.</p> <p>12 A. Right.</p> <p>13 Q. Have you ever seen this document that 14 has been labeled as Exhibit No. 22?</p> <p>15 A. Yes.</p> <p>16 Q. Can you tell me what it is?</p> <p>17 A. This is when he was being terminated.</p> <p>18 Q. And by he, you mean?</p> <p>19 A. Bob Wingo.</p> <p>20 Q. This is the grievance form that was 21 filled out?</p> <p>22 A. Yes, it is.</p> <p>23 Q. And I am just reading the form here, 24 it says: "I am filing this grievance because I</p>
<p>75</p> <p>1 look at Exhibit No. 18, if you would. I want you 2 to look at the first page again.</p> <p>3 You were asked a number of questions 4 about this particular page, and I want to make 5 sure I understand what your testimony was.</p> <p>6 As I understand it, and you correct 7 me if I am wrong, you acted as the Union 8 representative with regard to this attendance 9 issue that Mr. Tyler DeMien was having; is that 10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And was the company ready to 13 terminate Mr. Tyler DeMien at the time; is that 14 your recollection?</p> <p>15 A. Yes.</p> <p>16 Q. And I think the point you were trying 17 to make, although I don't think it came across 18 that well, so I just want to clarify, is that as 19 the Union representative, you went to bat for 20 Mr. DeMien and got that reduced to a probation?</p> <p>21 A. Yes.</p> <p>22 Q. And that was consistent with what you 23 were able to achieve in similar instances?</p> <p>24 A. Exactly.</p>	<p>77</p> <p>1 feel I was unfairly terminated."</p> <p>2 Do you know whose writing that is?</p> <p>3 A. That's Bob's.</p> <p>4 Q. And were you with him when he filled 5 this grievance form out?</p> <p>6 A. No, I wasn't. He filled it out and 7 then brought it in, and then I signed it, so it 8 would go to Gino for the next step.</p> <p>9 Q. When Mr. Wingo filled this grievance 10 form out and returned it to you, did he ever 11 indicate to you that he believed he was being 12 terminated because of his age?</p> <p>13 A. Absolutely not.</p> <p>14 Q. That allegation was never made to 15 you?</p> <p>16 A. Never, never.</p> <p>17 Q. You were also involved, at least to 18 some degree, in the second step and other meetings 19 that Copper and Brass Sales had with regard to 20 Mr. Wingo's termination; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Now, do you have any personal 23 knowledge of Mr. Wingo ever indicating in those 24 meetings that he felt he had been terminated</p>

<p>1 because of his age?</p> <p>2 A. Absolutely not.</p> <p>3 Q. Did he ever indicate that anyone had 4 made any comments with regard to his age?</p> <p>5 A. No.</p> <p>6 Q. Now, I think you indicated that you 7 had been a Union steward for about 21 years; is 8 that correct, at Copper and Brass?</p> <p>9 A. Yes.</p> <p>10 Q. And in that time, you have been 11 involved in a number of grievance proceedings, I 12 would assume?</p> <p>13 A. Yes.</p> <p>14 Q. And you have been involved in 15 representing Union employees when they have had 16 disciplinary action <u>taken against them</u>?</p> <p>17 A. Yes.</p> <p>18 Q. So you have some familiarity with the 19 amount of disciplinary action that goes on within 20 the plant?</p> <p>21 A. Yes.</p> <p>22 Q. How would you characterize the amount 23 of disciplinary action taken against Mr. -- strike 24 that.</p>	<p>78</p> <p>1 question was?</p> <p>2 A. Yes.</p> <p>3 MR. DISBROW: I have no other questions at 4 this time.</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. During the course of your 8 representation of employees at Copper and Brass 9 Sales, have you been the Union representative for 10 every single employee?</p> <p>11 A. No.</p> <p>12 Q. And not having been the Union 13 representative or every single employee at Copper 14 and Brass Sales over the course of your 15 employment, you don't have personal knowledge 16 regarding the performance problems of every 17 employee; correct?</p> <p>18 A. Yes, I do. I am told after what 19 disciplinary action was done to that employee, 20 whether I was in there or not, as the head Union 21 steward.</p> <p>22 Q. But you have only obtained the 23 information that you may have learned about other 24 employees' performance through hearsay, having</p>
<p>1 How would you characterize the amount 2 of issues that Mr. Wingo had through the course of 3 his employment at Copper and Brass Sales as 4 compared to other employees?</p> <p>5 MS. WEGNER: I object; calls for 6 speculation, form and foundation, relevance.</p> <p>7 MR. DISBROW: You can answer the question.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I think he has had more chances than 10 others.</p> <p>11 BY MR. DISBROW:</p> <p>12 Q. So it is fair to say that management 13 gave him numerous chances to correct his 14 performance issues?</p> <p>15 A. Absolutely, yes.</p> <p>16 MS. WEGNER: Same objection.</p> <p>17 BY MR. DISBROW:</p> <p>18 Q. And is it fair to say he had a number 19 of performance issues over his time at the 20 company?</p> <p>21 A. Yes.</p> <p>22 MS. WEGNER: Same objection.</p> <p>23 BY MR. DISBROW:</p> <p>24 Q. And I'm sorry, your answer to my</p>	<p>79</p> <p>1 heard it from someone else, so that's not personal 2 knowledge; correct?</p> <p>3 MR. DISBROW: I am just going to object to 4 this calls for a legal conclusion as to what 5 hearsay is. I object to form and foundation of 6 the question.</p> <p>7 I think it also has been asked and 8 answered and mischaracterizes earlier testimony.</p> <p>9 You can answer the question, if you 10 can.</p> <p>11 BY THE WITNESS:</p> <p>12 A. The supervisor tells me what kind of 13 disciplinary action was taken, Randy Lunt.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. Well, Mr. Lunt is not the supervisor, 16 is he?</p> <p>17 A. It's the supervisor, our plant 18 supervisor. We have foremen and supervisors.</p> <p>19 Q. And, as you sit here today, can you 20 categorically state that you are aware personally 21 that Mr. Wingo had more chances than others at 22 Copper and Brass Sales?</p> <p>23 A. If you look at his file, that should 24 tell you right there that he has.</p>

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<p>1 Q. Well, I didn't ask you to instruct me 2 to look at Mr. Wingo's file. I asked you a 3 question.</p> <p>4 A. I said he has had ample, yes. I apologize.</p> <p>5 Q. Do you know the reason why Mr. Wingo 6 managed to stay employed at Copper and Brass Sales 7 for over 20 years if his performance was such an 8 issue?</p> <p>9 MR. DISBROW: I am just going to object to 10 the degree that it calls for speculation and as to 11 foundation, as I do not believe that Mr. LaRocco 12 was a decision-maker with regard to employment 13 actions that may or may not have been taken 14 against Mr. Wingo.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't want to answer that. I don't think that is a question for me to answer. I am not the company.</p> <p>17 BY MS. WEGNER:</p> <p>18 Q. So, well, then is your answer that 19 you don't know?</p> <p>20 A. I don't know what you are asking me. You are asking me a question that you should be</p>	<p>82</p> <p>1 prepared in a booklet form, which contains all the 2 questions and answers and you have the right to 3 review it. That's what is known as reserving your 4 signature.</p> <p>5 THE WITNESS: Okay. Can I ask you a 6 question?</p> <p>7 MR. DISBROW: Well, let me state for the 8 record because I think that in most instances when 9 we are dealing with a Union steward, they have 10 Union representation.</p> <p>11 THE WITNESS: Exactly.</p> <p>12 MR. DISBROW: And you may want to contact 13 the Union attorney to determine whether they wish 14 to reserve.</p> <p>15 THE WITNESS: I generally won't get 16 involved in that.</p> <p>17 MR. DISBROW: Because he is not a lawyer, 18 he doesn't know.</p> <p>18 THE WITNESS: I don't know anything about 19 it.</p> <p>20 I would just say that I would think 21 that I would need that to get to Gino. I would 22 need this to give to our attorney.</p> <p>23 MR. DISBROW: And Jan, I think what he is</p>
<p>1 asking the company. Really, I am being serious, why would you ask me that question?</p> <p>2 Q. Because I am wondering why if 3 Mr. Wingo's discipline was so bad, he wasn't 4 terminated much earlier?</p> <p>5 A. He was terminated a few times -- not terminated, suspended a few times before.</p> <p>6 Q. How many times are you aware of 7 Mr. Wingo being suspended?</p> <p>8 A. Oh, I would say he has been suspended four or five times, if you look in the records.</p> <p>9 Q. Do you believe that Copper and Brass 10 Sales followed its discipline policy, its 11 progressive discipline policy when it terminated 12 Mr. Wingo?</p> <p>13 A. Yes, I do.</p> <p>14 MS. WEGNER: I don't have anything else.</p> <p>15 MR. DISBROW: Nothing.</p> <p>16 MS. WEGNER: Mr. LaRocco, you have the 17 right to review the transcript of this deposition 18 should you wish to do so.</p> <p>19 That would allow you to receive 20 notice that it has been transcribed. It's</p>	<p>83</p> <p>1 trying to tell you is he needs to reserve the 2 right. I think that's the way to handle it.</p> <p>3 THE WITNESS: Yes.</p> <p>4 MS. WEGNER: Well, I was going to say that 5 perhaps we can agree to do that, because if he 6 waives it now, you are done.</p> <p>7 MR. DISBROW: Right. And that's what I was 8 trying to say.</p> <p>9 MS. WEGNER: He may later choose to waive 10 it. It's reserved on your behalf at this point.</p> <p>11 THE WITNESS: I would like it.</p> <p>12 MS. WEGNER: To reserve?</p> <p>13 THE WITNESS: Right.</p> <p>14 MS. WEGNER: We will do that for you.</p> <p>15 MR. DISBROW: I think you are done.</p> <p>16 FURTHER DEPONENT SAITH NOT.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

DEPOSITION OF PETE LAROCCO - 5/29/08

DEPOSITION OF PETE LAROCCO - 5/29/08

1 STATE OF ILLINOIS)

2)

3 COUNTY OF DU PAGE)

4 I, Patricia Ann Armstrong, a Notary
5 Public within and for the County of DuPage, State
6 of Illinois, and a Certified Shorthand Reporter of
7 said state, do hereby certify:

8 That previous to the commencement of
9 the examination of the witnesses, the witness was
10 duly sworn to testify the whole truth concerning
11 the matters herein;

12 That the foregoing deposition
13 transcript was reported stenographically by me,
14 was thereafter reduced to typewriting under my
15 personal direction and constitutes a true record
16 of the testimony given and the proceedings had;

17 That the said deposition was taken
18 before me at the time and place specified upon
19 written interrogatories;

20 That I am not a relative or employee
21 or attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the parties
23 herein, nor interested directly or indirectly in
24 the outcome of this action.

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1 the outcome thereof.

2 I further certify that this certificate
3 applies to the original signed IN BLUE and
4 certified transcripts only. I assume no
5 responsibility for the accuracy of any reproduced
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7 IN TESTIMONY WHEREOF I have hereunto set
8 my hand and affixed my notarial seal this 16th day
9 of June, A.D., 2008.

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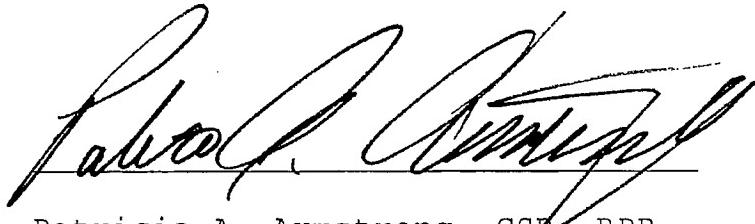
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Patricia A. Armstrong, CSB, RPR.,

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19 My Commission Expires

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21 March 23, 2009.

22

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